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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

A126593

v.

**(Contra Costa County
Super. Ct. No. 050809350)**

JESUS JOSE CANELA,

Defendant and Appellant.

Jesus Jose Canela appeals from a judgment entered after he pleaded no contest to unlawfully driving or taking a vehicle. (Veh. Code, § 10851, subd. (a).) His counsel on appeal has filed an opening brief that asks this court to conduct an independent review of the record as is required by *People v. Wende* (1979) 25 Cal.3d 436. Counsel also informed appellant that he had the right to file a supplemental brief on his own behalf. Appellant declined to exercise that right.

On November 13, 2007, shortly before 1:15 p.m., Richmond Police Detective Miguel Castillo was on patrol when he heard a report of a stolen vehicle. When Castillo arrived at the location indicated, he saw a car driving toward him. It was going between 35 and 40 miles per hour in a 25 mile per hour zone. The driver was a Hispanic man in his mid 20s with a mustache and goatee who was wearing a brown baseball cap and a black T-shirt.

Detective Castillo wanted to stop the car for a speeding violation, however, he lost sight of it before he could do so. Castillo decided to circle the area for a few minutes looking for the car and its driver. About a minute and a half later, Castillo saw appellant walking down the street. He resembled the driver of the speeding car.

Detective Castillo was alone and appellant was larger than he was. Therefore, when Castillo got out of his patrol car, he ordered appellant to place his hands in the air. Appellant complied. When a cover officer arrived about two minutes later, Castillo put handcuffs on appellant and placed him in the back of his patrol car.

Detective Castillo asked appellant to identify himself. Appellant said his name was Jose Canela and that his birth date was January 19, 1986. Castillo called that information into dispatch. That combination did not match any information in the system.

Detective Castillo left with another officer to try to find the car that appellant had been driving. Castillo located it in a parking lot within two minutes. Its hood was still warm. Castillo called the car's license number into dispatch which confirmed the car had been reported as stolen.

Based on these facts, an information was filed charging appellant with, inter alia, the offense noted above. As is relevant here, the information also alleged appellant had a prior theft conviction. (Pen. Code, § 666.5.)

Appellant filed a motion to suppress. He conceded his initial detention by Detective Castillo was justified, but he argued the detention was unduly prolonged and had been transformed into an illegal arrest. The trial court conducted a hearing on appellant's motion and denied it.

In light of that ruling appellant decided to enter into a plea bargain. He pleaded no contest to the offense we have set forth above and admitted the prior theft allegation. In exchange appellant was to receive a sentence that was calculated as part of the sentence imposed in a different case.

Subsequently, the court imposed the sentence to which the parties had agreed.

We have reviewed the record on appeal and conclude there are no meritorious issues to be argued.

The trial court correctly denied the motion to suppress. (*People v. Gomez* (2004) 117 Cal.App.4th 531, 537-540.)

Before accepting appellant's plea, the court made sure appellant understood the Constitutional rights that he was waiving.

The sentence imposed was consistent with the plea bargain.

Appellant was effectively represented by counsel.

We conclude there are no arguable issues within the meaning of *People v. Wende*, *supra*, 25 Cal.3d 436. (See also *People v. Kelly* (2006) 40 Cal.4th 106.)

The judgment is affirmed.

Jones, P.J.

We concur:

Simons, J.

Needham, J.